

JOHN SULLIVAN'S TRIAL

SHIFTING THE BLAME FOR THE "T-1" ACCIDENT TO OTHER SHOULDERS.

the Flagman's Story—An Interesting Insurance Decision—The Rights of Personal Representatives as Against the Wife's Executor—Other Local News.

man, charged with manslaughter in causing the death of Michael J. Biley in the collision in the "X" in July last, was resumed in the criminal court before Judge MacArthur yesterday, and had not been concluded when an adjournment was taken for the day.

The defense, not having finished last week, resumed their evidence, introduced

the record of the board of public works granting authority to the company to put down the "X," stating that it was against the law.

Judge MacArthur wished to know the object of the evidence.

Mr. Phillips proposed to show that the "X" was placed there without authority, and follow it up by introducing a paper from the grand jury which found the indictment against the defendant, censuring the Baltimore and Ohio Railroad Company.

Assistant District Attorney Coyle objected, and, upon the examination of the paper by the court, it was ruled out. Judge MacArthur saying that "if this was the opinion of the grand jury, they should have indicted the railroad company as well."

John Sullivan, the defendant, testified that he was first employed by the company at \$40 a month. On the night of the accident he was at the box near First and I streets. He ran down to I street, saw that the light in Nolan's carport was

white, and set his white. The Martinsburg train was then coming down First street at a rate of at least twenty-five miles an hour. "I saw a really big black man on the target, and he called to me that the light was red, but then it was too late, as the train was upon him. The witness saw the flagman at Delaware avenue, but could not understand what he was doing with the light. He intended to show it red, but it was too late. He said, 'I don't know what the target.' "I said, 'I don't know what the damned fool is doing with his lamp.' "First the white and then the red was shown, and the witness could not tell what he intended to show. "I was very summary when I reported the shifter came out for the flagman to look out for trains, and as there was no shifter there that night they were no

With the examination of another witness, who failed to show anything new, the testimony in the case was announced.

The argument followed, and was concluded at 3 p. m. It being the hour for adjournment the judge decided not to send the jury out last evening, and respite it until this morning.

INVOLVED INSURANCE.

A Case of Interest to Policy Holders.

—The Effect of the Death of the Beneficiary Before the Insured.

30 September 1929. Daniel E. Jones

who had a \$500 certificate in the Beneficial Endowment Association, had the same made in trust to his wife, Kate W. Jones, and payable to her on his death.

Subsequently illness overtook them both followed by loss of mind, and both were placed in the insane asylum, where Mr. Jones died in February, 1880, and Mr. Jones in September, 1882. Mr. George

H. Woods obtained letters of administration on the estate of Mrs. Jones, and claimed the payment of the certificate to him. Lucy de Hart, niece of Mr. Jones, obtained letters upon his estate and claimed that the money should be paid to her.

to her, as the trust did not pass beyond the wife. Two claimants confused the association, and it filed the bill of interpleader in equity to compel the claimant to show before the chancellor their right, hence that court decide to whom the

money should be paid. Upon the hearing in equity it was decreed that the money should be paid to the administratrix of Mr. Jones, and from this decree an appeal was taken, and subsequent

Justice Wylie yesterday delivered the opinion of the court, affirming the decision of the court below. He said that he was a case in which the wife was made beneficiary under a trust in case of the husband's death.

and the trust was claimed by her personal representative. As this was a trust, it was to be considered according to the circumstances surrounding it. In this case, no parole evidence could have made

clearly as to the conclusions surrounding the testator's action. First, Jones tended the trust for his wife. She died two years before him, and there was nothing to show that there was any person who could claim it as her represen-

live and distribute. The court has come to the conclusion that the trust was for the wife alone, and the personal representative could not take anything, because the beneficiary named died before the grantor. This decision directs the personal

ment of the money to the administrators and is an important one in connection with these insurance associations. It would do much to remove an obstacle which has long existed in claims set up by persons styling themselves personal representatives.

A Frightened Elephant.
Yesterday afternoon while one of the

elephants belonging to O'Brien's circus being driven up Four-and-a-half street. A large mob of boys following frightened animal into a run, and caused its keeper some trouble for a time. The noise made by boys, together with the runaway elephant, caused several houses standing in front of

District buildings on Four-and-a-half at above the avenue, and among them was attached to Maj. Lydecker's carriage which started to run away, but was caught by driver before going any distance.

A board of officers of the revenue marine service will convene this morning at the Treasury Department to examine a number of engineer officers of that service for promotion. The board consists of Consulting Engineer Charles E. Emery and Chief Engineer

LOCAL BRIEFLETS.

Bishop Paret held confirmation services at Emmanuel Church in Uniontown last evening. Six young people were made members of the church.

The directors of the Corcoran Fire Insurance Company have elected the following officers: John T. Lennon, president; A. H. Muzzey, president; Clarence McClelland, secretary.

Another game of base ball between the body and Iroquois nines will be played afternoon at 4 o'clock on the Lincoln

The anniversary of the birth of Th. Jefferson was celebrated by the Jeffersonian Association in a quiet way

reathless of Mr. J. M. Healy, who read a h
of Jefferson. Speeches were made by S
Emmett, the president; H. E. McGinn
Warren, H. Welsenborn, and others,
which a repast was served.

